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2017-51-C

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017- -C

IN RE: Petition of the South Carolina Office of)
 Regulatory Staff For the Commission to Order a) **PETITION OF THE SOUTH**
 Rule to Show Cause as to Why the Certificates of) **CAROLINA OFFICE OF**
 Public Convenience and Necessity For Certain) **REGULATORY STAFF FOR**
 Providers of the Telecommunications Services) **A RULE TO SHOW CAUSE**
 Should Not Be Revoked)

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, respectfully shows and requests of the Public Service Commission of South Carolina ("Commission") that:

1. The Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. § 58-9-10 et seq. (Supp. 2016).
2. ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10, et seq. (Supp. 2016).
3. ORS is also the designated administrator of the State Universal Service Fund.
4. The Telecommunications Companies ("Companies") listed in Attachment A, attached hereto, are all either Telephone Utilities or Wireless Carriers which have received Eligible Telecommunications Carrier ("ETC") designation in South Carolina, and are required to support universal service in this State. "Telephone Utilities" are defined under S.C. Code Ann. § 58-9-10(6) (2015) as persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.

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5. The Companies listed in Attachment A are subject to the jurisdiction of the Commission pursuant to S.C. Code Ann. § 58-9-710, et seq. (2015). They have submitted themselves to the jurisdiction of the Commission by their either having applied for and been issued a Certificate of Public Convenience and Necessity or having requested and received ETC designation in the State of South Carolina pursuant to federal and state requirements.

6. The Companies listed in Attachment A upon receiving their Certificates of Public Convenience and Necessity and/or ETC designation, were found to possess the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280(B)(1) (Supp. 2016).

7. ORS has the responsibility to ensure that Telephone Utilities and Wireless Carriers having ETC designation are complying with the statutory requirements and Commission requirements and guidelines related to contributions to the State USF.

8. “Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.” S.C. Code Ann. § 58-9-390 (2015).

9. As administrator of the State Universal Service Fund (“USF”), ORS is proposing to close the existing fund as it existed prior to the enactment of Act 181 by the South Carolina Legislature in 2016. All Telephone Utilities and Wireless Carriers having ETC designation, were required to support the universal availability of telecommunications service pursuant to S.C. Code Ann. §58-9-280(E).

10. In an effort to close its books on the old USF, the ORS has made a number of attempts to collect outstanding payments and late payment fees owed by contributors to those funds.

11. The Companies listed in Attachment A have outstanding payments or late fees due the South Carolina USF.

12. The information for the business entities listed in Attachment A accurately reflects the information on file with the South Carolina Secretary of State. See Attachment B, Affidavit of James McDaniel.

13. Pursuant to S.C. Code Ann. § 58-9-1120 (2015), "the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities."

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against the persons and business entities listed in Attachment A to this Petition.

2. For the Companies listed in Attachment A pursuant to 10 S.C. Code Regs. 103-830 (2012), cause a copy of this petition to be served upon such named Respondents or other proper person or entity.

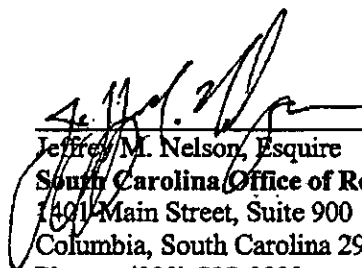
3. Require the Respondent Companies to answer this Petition within the deadlines prescribed by the Commission's rules and regulations.

4. Schedule and conduct a formal administrative hearing to address the allegations contained herein that those Companies listed in Attachment A have failed to submit to ORS such assessed or otherwise required fees, contributions, or payments as mandated by the laws of the State of South Carolina or Orders of the Commission as identified and detailed in Attachment A.

5. Find that the Respondent Companies listed in Attachment A have not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission.

6. Enter a final order canceling the Certificates of Public Convenience and Necessity or suspending the ETC designation of the Respondent Companies listed in Attachment A.

7. Take other appropriate action which the Commission may deem necessary.



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Fax: (803) 737-0895
Email: jnelson@regstaff.sc.gov

February 21, 2017
Columbia, South Carolina

ATTACHMENT A

COMPANIES HAVING UNPAID SUPPORT TO THE STATE UNIVERSAL SERVICE FUND					
COMPANY	DOCKET NUMBER / ORDER NUMBER	ADDRESS	AMOUNT OWED	REGISTERED AGENT	CORPORATE STATUS
Onetone Telecom, Inc.	1999-132- C/1999- 485	R. Scott Loggins President Onetone Telecom, Inc. 100 Century Plaza Suite 9-I Seneca, SC 29678	\$18,388.00	NATIONAL REGISTERED AGENTS INC 2 OFFICE PARK CT STE 103 COLUMBIA, South Carolina 29223	Good Standing
Birch Communications, Inc.	1999-323- C/1999- 801	Angela Hoke Manager - Legal & Regulatory- Birch Communications, Inc. 2323 Grand Blvd Suite 925 Kansas City, MO 64108	\$1,026.87	CORPORATION SERVICE COMPANY 1703 LAUREL STREET COLUMBIA, South Carolina 29201	Forfeited
Budget Prepay, Inc.	1999-512- C/2000- 289	Lakisha Taylor Regulatory Contact Budget PrePay, Inc. DBA Budget Phone DBA Budget Mobile (ETC) 1325 Barksdale Blvd., Suite 200 Bossier City, LA 71111	\$4,570.82	NATIONAL REGISTERED AGENTS INC 2 OFFICE PARK CT STE 103 COLUMBIA, South Carolina 29223	Good Standing
Tempo Telecom LLC	2013-239- C/2013- 674	Angela Hoke Manager- Legal & Regulatory Tempo Telecom LLC 2323 Grand Blvd Suite 925 Kansas City, MO 64108	\$277.10	CORPORATION SERVICE COMPANY 1703 LAUREL STREET COLUMBIA, South Carolina 29201	Good Standing

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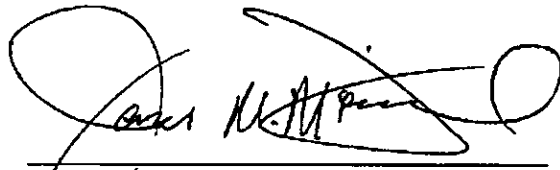
IN RE: Petition of the Office of Regulatory Staff)	
for Commission to Order a Rule to Show)	
Cause as to Why The Certificates of)	
Convenience and Necessity for Certain)	AFFIDAVIT OF
Providers of Telecommunications Services)	JAMES M. MCDANIEL
Should Not Be Revoked)	

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is James M. McDaniel and I am employed by the Office of Regulatory Staff ("ORS") as the Program Manager.
- 2) My office is located at 1401 Main Street, Columbia, South Carolina, 29201
- 3) I and/or personnel under my direction researched the South Carolina Secretary of State's website in order to determine the corporate status of the business entities listed in Attachment A of this petition.
- 4) I attest that, to the best of my knowledge, the corporate statuses of the business entities listed in Exhibit Attachment A are accurate.

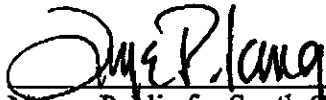
AND FURTHER THE AFFIANT SAYETH NOT.

ATTACHMENT B



JAMES M. MCDANIEL
Program Manager
Telecommunications Area
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Sworn and subscribed before me
this 21 day of February, 20 17



Notary Public for South Carolina
My Commission Expires: 01/05/2027

R. Scott Loggins, President
Oneone Telecom, Inc.
100 Century Plaza, Suite 9
Seneca, SC 29678

Angela Hoke, Manager
Legal & Regulatory
Birch Communications, Inc.
2323 Grand Blvd., Suite 925
Kansas City, MO 64108

Lakisha Taylor
Regulatory Contact
Budget PrePay, Inc.
DBA Budget Phone
DBA Budget Mobile (ETC)
1325 Barksdale Blvd., Suite 200
Bossier City, LA 71111

Angela Hoke, Manager
Legal & Regulatory
Tempo Telecom LLC
2323 Grand Blvd, Suite 925
Kansas City, MO 64108

National Registered Agents, Inc.
2 Office Park Ct., Suite 103
Columbia, SC 29223

Corporation Service Company
1703 Laurel Street
Columbia, SC 29201

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2 Office Park Ct., Suite 103
Columbia, SC 29223

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